

## STREET RAILWAYS

Rights of Rival Lines  
Laid Down.

Attorney General Cooper's Opinions on Rights of Hawaiian Tramways and Rapid Transit Cos.

Following is the text of the opinions of Attorney General Cooper on the right of the Hawaiian Tramways Company to lay double tracks on streets traversed by the present lines and the right of the Rapid Transit Company to lay a track along King street from the bridge to Victoria street. It is understood that these opinions have been adopted by the Executive Council and now represent the views of the Government in the matter.

Department of the Attorney General, Honolulu, July 19th, 1899.

To the Executive Council: In regard to the notification of the Hawaiian Tramways Co., Ltd., under date of June 25th, wherein the company states its intention to convert its line from a single track to a double track on the various streets in Honolulu where it is now operating its line of tramways, I have to say that I am of the opinion that the Tramways Company is entitled by its franchise to lay and maintain such double tracks. This opinion is based upon the several acts upon which the franchise was granted.

In 1884 the first franchise was granted to W. R. Austin and his associates. The franchise granted by this act of the Legislature expired by limitation of time. The franchise was re-enacted by the Legislature of 1886 and was again re-enacted by the Legislature of 1888, which extended the time for the completion of the tramway until the 15th of September, 1889. Before this last mentioned date the Hawaiian Tramways Company, Limited, had been organized, and constructed all of the lines of track now in operation by that company; such line, however, being a single track with the necessary switches and turnouts.

The question which has been considered is whether or not the Tramways Company is now entitled to change its line from single to double tracks. The limitation of the franchise is controlled by the seventh sub-division of section 6 of chapter 34 of the Session Laws of 1884, as amended by chapter 18 of the Session Laws of 1886, which is as follows:

"That the said railway must be completed and equipped and ready for passengers within two years, and if not so completed within the said two years then all rights hereby granted shall terminate and the franchise hereby granted become void and of no effect. Provided, that for such portions of said road as shall at that time be completed and equipped as above required the right herein granted shall stand and be of full force and effect."

The time limit mentioned in this sub-division of section 6 was extended by the Laws of 1888 to September 15, 1889. The Tramway Company having laid its single track with the necessary switches and turnouts and equipped the same for public travel before the 15th day of September, 1889, in my opinion, earned the full benefit of the franchise for such portions as had been completed and equipped, which included the right to lay a double as well as single track on the streets mentioned in their letter of June 5. The franchise being in full force and effect so far as those streets are concerned, authorizes the company to lay a double track upon such streets at the present time. The franchise was not in the alternative to the extent of compelling the company to make its election before the 15th of September, 1889, but gave the company its option to lay a single track with the necessary switches and turnouts or a double track, and having complied with the requirements of the statute it earned the right to exercise full force and effect of the franchise which includes the right to lay a double track.

I am, however, of the further opinion that the franchises granted gave nothing more than a license to the Tramways Company to occupy the streets mentioned in the franchise, which, if not availed of, would not hinder the occupation by another company, holding a franchise from the Legislature, if no physical difficulties prevented it.

The latter becomes important for the reason that a petition has been received from the Honolulu Rapid Transit & Land Co. for permission to occupy that portion of King street from the King street bridge crossing Nuuanu stream to Victoria street, which would necessitate the laying of a track parallel to the Hawaiian Tramways Company's track on King street between these points.

The Hawaiian Tramways Company not having exercised its right to lay a double track on King street between the points above mentioned, it appears to me that there is no valid reason for denying the petition of the Honolulu Rapid Transit & Land Company for the right to maintain a track as asked for, if in so doing the public safety and convenience of travel are not materially impaired.

I have expressed this opinion in answer to the question referred to me by the Executive Council upon the petition of the Honolulu Rapid Transit & Land Company.

HENRY E. COOPER,  
Attorney General.

Honolulu, H. I., July 19, 1899.  
To the Executive Council:

In regard to the petition of the Honolulu Rapid Transit & Land Co. for a right to construct its line of railway over that portion of King street from the King street bridge crossing Nuuanu stream to Victoria street, I have to say:

That paragraph 11 of section 2 of Act 69 of the Session Laws of 1898

gives the company a right to lay a railway upon such other streets as are not specifically mentioned in their franchise when a majority of the owners of the property on any such street shall petition in writing said company to lay its railways on said street, provided that the consent of the Executive Council shall be obtained.

I have examined the petition of the property owners, and from reliable information am of the opinion that more than a majority of the property owners of that portion of King street above mentioned have petitioned the company to lay and maintain its railway, and I am of the opinion that no legal impediment exists to the granting of the petition.

Reference is hereby made to an opinion of even date herewith upon a notification of the Hawaiian Tramways Company, Ltd., of its intention to lay double tracks along certain streets in Honolulu, including the above mentioned portion of King street.

I do not understand that the question of feasibility or desirability of allowing this company to construct its railway along King street, as petitioned for, was referred to me.

Respectfully submitted,

HENRY E. COOPER,  
Attorney General.

## GOT A GOLD BRICK

## Found It in a Cave in Olaa District.

Wrote a Letter About Its Value to the Editor Who Referred It to a Kahuna.

The following letter was received at this office on July 13th from San Francisco:

Editor Hawaiian Gazette: I have recently returned from a six weeks' visit in Honolulu, and, being familiar with your paper, I take the liberty to write you for information about a coral brick which I found on the island of Hawaii.

The size of the brick is about three by six inches and about one and one-half inches thick. A small hole has eaten through, or worn through by the dripping water at one end. I found the brick in one of the caves in the Olaa section. It was placed at the head of a dead islander in the extreme end of the cave, where access was almost impossible. The body had completely turned to dust. From all appearances the brick had been there for a great many years. There are no characters remaining upon it. It is reputed here to be worth quite a sum of money. I am very anxious to know why the natives placed the brick by the dead. And I would like to get some idea of how long ago the brick was placed in the cave.

If you can inform me regarding this, or turn my letter over to the proper authority there, you will greatly oblige me, sir.

Very truly yours,  
GEO. W. GIDDINGS.

This letter was referred by the Advertiser to a gentleman who is supposed to have acquired considerable knowledge of the occult from long association with Kahunas, good, bad and indifferent, who yesterday forwarded the following reply:

"In answer to Mr. G. W. Giddings' letter, dated July 3, 1899, with reference to a 'coral brick,' I would state that there appears to be no method known to science of arriving at the desired information. The only recourse left is to call up the shade of some suitable Hawaiian of the olden time, as, for instance, the great Heirahira, high priest of Kamehameha I, whose extensive knowledge of the people would enable him, after considerable trouble, to ascertain the person who placed the brick in the cave, and doubtless the familiar relations existing between Heirahira and myself as Kahuna Nui would place me in a position to learn from him the result of his investigations in the Land of Shades. The only drawback to getting a response from Heirahira, should he deign to show me his face, as did Samuel to Saul (see I. Samuel xxviii) is the possibility that he may have more important business on hand in the proposed destruction of Hilo, now being deliberated by Pele and her followers on account of the annexation of their beloved Islands to the United States."

"I note that Mr. Giddings says that 'the brick is reputed to be worth quite a sum.' I should advise him to realize without loss of time, and should the value prove to be such as would warrant the expense I would recommend him to provide a black sacrificial pig, a white sacrificial rooster, a red fish, and a large root of the strongest awa from Puna, as nothing could be attempted without them. Should he desire to continue the quest for knowledge with these preparations, I would do my best with occult science."

Very truly yours,

"I O SE WE,  
'Kahuna Nui.'"

"I have used Chamberlain's Cough Remedy in my family for years and always with good results," says Mr. W. H. Cooper of El Rio, Cal. "For small children we find it especially effective." For sale by Benson, Smith & Co., Ltd., wholesale agents for H. I., and all druggists and dealers.

The work of tearing down buildings at the head of Fort street to make room for the proposed extension has commenced.

## HAMAKUA'S TERM

Fourth Circuit Court at  
Honokaa.

Judge Gardner K. Wilder Disposes of a Long Calendar—Disposition of the Cases.

The Circuit Court of the Fourth Circuit of the Hawaiian Islands convened at Honokaa on July 10th, Judge Gardner K. Wilder presiding. The following officials were present during the term: Daniel Porter, clerk of the court; Sheriff L. A. Andrews, Deputy Sheriffs H. S. Overend, L. E. Swain and Z. Pankiki, Hawaiian Interpreter H. S. Rickard, Japanese Interpreter C. A. Doyle, Portuguese Interpreter A. B. Lindsay and Filipino Interpreter Nicholas Peres. The attorneys present were G. F. Little, W. S. Wise, Carl Smith, Charles Williams, E. W. Estep and H. L. Holstein. Deputy Attorney General E. P. Dole represented the Government.

Following is the calendar and the disposition made of cases during the term:

## CRIMINAL CASES—HAWAIIAN JURY.

The Republic of Hawaii vs. Ana Kaupolu, w.; burglary, second degree. Commitment from District Court, Hamakua. W. S. Wise for defendant. Trial by jury, and finding of guilty and sentenced to six months' hard labor.

The Republic of Hawaii vs. Kalahuli, K. Keoloha Polihua, K.; manslaughter, first degree. Commitment from District Court, Hamakua. W. S. Wise for defendant. Found not guilty by a jury.

The Republic of Hawaii vs. Kawailua, K.; burglary, second degree. Commitment from District Court, Hamakua. Attorney General declined to prosecute.

The Republic of Hawaii vs. Kekai, K.; affray. Appeal on points of law from District Magistrate, Hamakua. Not pros. entered.

## CRIMINAL CASES—FOREIGN JURY.

The Republic of Hawaii vs. Ah Lee, ch.; violating Act 31, S. I., 1898. Appeal from District Court, S. Hilo. Continued from January term. Hitchcock & Smith for defendant. Not pros. entered.

The Republic of Hawaii vs. Lee Sum, ch.; violating Act 31, S. I., 1898. Appeal from District Court, S. Hilo. Continued from January term. Hitchcock & Smith for defendant. Not pros. entered.

The Republic of Hawaii vs. Ah Lung, ch.; Having opium in possession. Appeal from District Court, S. Hilo. Continued from January term—jury having disagreed. Hitchcock & Smith for defendant. Appeal withdrawn.

## CRIMINAL CASES—FOREIGN JURY.

The Republic of Hawaii vs. Makihira Katsurao, Jap.; Murder, first degree. E. P. Dole, Deputy Attorney General, with W. S. Wise, for prosecution; Hitchcock & Smith for defendant. Found guilty of manslaughter in second degree. Sentenced to hard labor for seven years.

The Republic of Hawaii vs. Nunes Fernandez, violating section 379, chapter 37, 1897, P. C. Appeal from District Court, S. Hilo. W. S. Wise for defendant. Continued to January term on motion of Attorney General.

The Republic of Hawaii vs. Ah Huna, ch.; assault and battery. Appeal from District Court, S. Hilo. Appeal withdrawn.

The Republic of Hawaii vs. Takahachi Tomekichi, Jap.; perjury. Commitment from District Court, S. Hilo. Hitchcock & Smith for defendant. Plea of guilty. Sentenced to imprisonment at hard labor for two years and six months.

The Republic of Hawaii vs. R. M. Dushalsky, assault and battery. Appeal from District Court, S. Hilo. M. G. Barney for defendant. Defendant failed to appear when called, and appeal was dismissed and bond forfeited.

The Republic of Hawaii vs. A. G. Brodie, assault and battery. Appeal from District Court, S. Hilo. Hitchcock & Smith for defendant. Plea of guilty. Fined \$75 and costs.

The Republic of Hawaii vs. August Catta; manslaughter, second degree. W. S. Wise for defendant. Not pros. entered after defendant plead not guilty.

The Republic of Hawaii vs. Hong Kim, ch.; common nuisance. Appeal from District Court, S. Hilo. W. S. Wise for defendant. Motion of Attorney General for a continuance overruled, and a not pros. entered.

The Republic of Hawaii vs. Bonito Igar, Filipino; attempt to commit murder. Commitment from District Magistrate, S. Hilo. G. F. Little for defendant. Trial by jury and finding of not guilty.

CIVIL CASES—HAWAIIAN JURY.

S. Haaboe, K., vs. Katoe, w.; action of ejectment. Hitchcock & Smith and Mahiai Kaneakua for plaintiff; W. S. Wise for defendant. Continued from January term. Continued to January term, and plaintiff ordered to pay accrued costs within ten days.

CIVIL CASES—FOREIGN JURY.

A. Lidgate vs. George Hall; action of ejectment. Hitchcock & Smith for plaintiff; W. S. Wise for defendant. Continued from January term. Jury waived. Heard and taken under advisement.

MIXED JURY.

Elizabeth Keiluhane, w. and J. W. Keomakani Lo, K., vs. Catherine Vieira and Joseph Vieira; action of ejectment. Hitchcock & Smith for plaintiff; G. F. Little for defendant. To be heard in vacation by stipulation.

Hong Kim vs. Mrs. M. K. Hapai;

damages. W. S. Wise for plaintiff. To be heard in vacation.

Charles Williams vs. William Horner and Edwin Thomas; action of ejectment. Charles Williams for plaintiff; G. F. Little for defendant. Jury waived. Heard and taken under advisement.

## CIVIL CASES—JURY MIXED.

Mrs. Mileka Kaona and Henry Haa, K., vs. L. M. Lonoikiwa and the Honokaa Sugar Co.; ejectment. Charles Williams for plaintiff; Hitchcock & Smith for defendant. Continued to January term.

William Wardell vs. The Paauhau Plantation Co.; action of ejectment. W. R. Castle for plaintiff; Kinney, Ballou & McClanahan for defendant. Continued to January term.

A. N. Kepoikai and H. L. Holstein vs. Paauhau Plantation Co.; action of ejectment. A. N. Kepoikai and H. L. Holstein for plaintiffs; Kinney, Ballou & McClanahan for defendant. Continued to January term.

## CIVIL CASES—FOREIGN JURY.

Tong On, ch., vs. Leong Poo, and Chow Ho, doing business under the firm name of Wing Sing Chong; ejectment. W. S. Wise for plaintiff; Guy F. Maydwell for defendant. To be heard in vacation. Jury waived.

## CIVIL CASES—JURY WAIVED.

Ah Lin, ch., vs. Ah. Nee, ch., Hamakua Mill Co., garnishee; assumption. Appeal from District Court, Hamakua. Continued from January term. Charles Williams for plaintiff; W. S. Wise for defendant. Appeal withdrawn.

John G. Jones vs. William Kekua, K.; assumption. Appeal from District Court, Hamakua. Charles Williams for plaintiff. Appeal withdrawn.

## EQUITY.

John G. Jones vs. Francisco de Lima and Adolph Hussmann; bill to set aside a deed. Charles Williams for plaintiff; Gilbert F. Little for defendant. Heard and taken under advisement.

U. Kanai vs. S. Takamori, S. Nishimori, T. Izuno and Y. Horita; assumption. Gilbert F. Little for plaintiff; Hitchcock & Smith for defendant. Stipulated to be heard in vacation at chambers.

Manuel N. Souza and Lucina Gonzales Souza vs. Maria Pistano, Sr., Jose Pistano, Maria Pistano, Jr., Rosalina Pistano, Caroline Pistano and Joaquin Pistano; action to quiet title. E. W. Estep for plaintiffs; Hitchcock & Smith for defendants. Dismissed at the cost of plaintiffs.

## DIVORCE CASES.

Mary Isabella de Silva vs. Manuel de Silva; libel for divorce. Gilbert F. Little for libellant. Stricken. Belongs in Third Circuit.

Caroline G. O'Rourke vs. James G. O'Rourke; libel for divorce. Gilbert F. Little for libellant. Continued to January term.

Shima Tagama, w., vs. T. T. Murakami; libel for divorce. W. S. Wise for libellant. Continued and order of publication made.

## THE AMATEUR ORCHESTRA.

## Some of the Members for the Coming Concert.

The concert by the Amateur Orchestra next Tuesday evening at Progress Hall bids fair to be a most successful affair. Everyone will want to hear Annis Montague Turner, the Hawaiian nightingale, who is down for two numbers. Mrs. Jas. W. Bergstrom will introduce herself in a recitation. Mr. J. B. O'Sullivan with his fine baritone voice will give new songs including an Irish one. Mr. J. T. Irvine, a new comer, is down for a tenor solo. Something entirely new here will be a double bass solo by Mr. George Brand, who is a finished performer on that instrument. The orchestra contributes four new numbers. What more could one want for fifty cents? Tickets are on sale at all the leading stores. Don't forget the orchestra and what it has done in the past.

## UNION STEAMSHIP CO.

## Seaman's Dispute and Its Effect on the Corporation.

A recent Auckland dispatch has the following: Mr. James Mills, the managing director of the Union Steamship Company, in giving evidence before the Dunedin Conciliation Board respecting the seamen's dispute, said that compliance with the men's demands would increase the expenses by £17,000 per annum. The company now paid £15,000 more in wages than if they had been formed as an Australian company, and if the headquarters were removed to Australia an expenditure of between £200,000 and £300,000 would be lost to the colony.

## The Next Mails.

A number of inquiries have been made as to the arrival and departure of the next steamers. The Hongkong Maru is scheduled to arrive here on the 29th on its way to the Coast. Although she was taken off for the last trip back to the Coast, the agents, expect her on the 29th. They have received no advices to the contrary. The America Maru, on account of having been quarantined, will probably not arrive here before August 2nd or 3rd. She is scheduled from the Coast on the 29th.

## ARRESTED FOR POLYGAMY.

SALT LAKE CITY, Utah, July 19.—Salt Lake is all agog over the arrest of Angus M. Cannon, president of the Salt Lake Stake of Zion, on the charge of unlawful cohabitation with his fourth wife, Martha Hughes Cannon. The arrest, it is believed here by many, marks the beginning of a vigorous prosecution of all polygamists who can be reached. It is not at all likely, however, that other arrests will occur before the issue of the Cannon case demonstrates whether a conviction for this offense is possible here. Should Cannon be convicted a raid on others will follow.

## DISBARMENT CASE

Was It a Reprimand or a  
Caution?

Supreme Court Expresses Its Opinion of the Conduct of Two  
Native Lawyers.

(From Wednesday's Daily.)

In the Supreme Court yesterday afternoon the disbarment proceedings against James K. Kaula and J. M. Kaneakua came to an end after a two days' hearing. The two defendants were charged with unprofessional conduct in attempting to extort \$3,000 from Chester A. Doyle on a claim for damages for the value of two kou trees cut down under his directions. After hearing a number of witnesses and the arguments of counsel, the three judges made remarks on the case which embodied the opinions they had formed. They concurred in the main point that the letters introduced in evidence made out a prima facie case for the prosecution, but the Court was in doubt as to whether there was really any intent to extort money or whether the letters were not written as preliminary to an attempt at compromise.

Justices Frear and Whiting seemed to be of the opinion that the action of the attorneys merited a reprimand from the bench, but none was administered. Judge Stanley, who sat in place of the Chief Justice, was of the opinion that the letters showed more ignorance of the law than any attempt to extort, and was inclined to pass over their offense with a caution to be more careful in the future.

The judges then left the bench, the attorneys telephoned for hacks, and the two lawyers who had caused all the trouble slowly wended their way homeward, pondering over the situation and wondering whether they had been reprimanded or simply cautioned.

At the close of the proceedings one of the attorneys asked the Court what disposition was to be made of the Kou log filed in evidence, but the answer was that the Court had nothing to do with that question. The evidence adduced in court went to show that the section of the log filed in court was worth about \$20. Instead of being a solid and valuable piece of wood, it was pithy and worm-eaten. The section introduced in court was about one-quarter of the whole, for which Mr. Doyle was asked to pay \$3,000. There will be no written decision in the case and the matter may be considered as ended.

It is folly to suffer from that horrible plague of the night, itching piles. Doane's Ointment cures quickly and permanently. At any chemist's.

## Down Again

In prices is the market for flour and feed, and we follow it closely. Send us your orders and they will be filled at the lowest market price. The matter of 5 or 10 cents upon a hundred pounds of feed should not concern you as much as the quality, as poor feed is dear at any price.

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When you want the Best Hay, Feed or Grain, at the Right Prices, order from

## CALIFORNIA FEED CO.

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OF BOSTON.

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OF HARTFORD.

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New York Line.

The bark "Nuuanu" will leave New York on or about July 15th, 1899, for Honolulu.

Advances made on shipments on liberal terms. For further particulars, address Messrs. CHAS. BREWER & CO., 27 Kilby street, Boston, or

C. BREWER & CO., LTD., Honolulu Agents.

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Are warranted to cure gravel, pain in the back, and all kindred complaints. Price from 50 cents. Established upwards of 30 years. In boxes of 40, each of 40 Cents and 100 Cents. Sold by all Chemists and Patent Medicine Vendors throughout the World. Proprietors, The Lincoln and Midland Counties Drug Company, Lincoln, England.

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## PURE AIR

Everyone enjoys it: your health depends upon it. You can just as well have it as your prudent neighbor. Old and young alike endorse it.

## DISINFECTINE

With the heat of summer comes the foul and disease producing air from the cesspool, vault and cellar. You must be on your guard against the accumulation of trash, garbage, etc.; it is dangerous to have around.

## INSURES

No skill is required to have the air about your home pure. The cost is trifling and effect is wonderful. Disinfectine as prepared by us will serve the purpose.

## PURE

We have it prepared in quantities to supply any or all demands. We will deliver to your home, if within the city limits, a trial bottle at 25 cents. Don't neglect to order a bottle at once.

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Those who are familiar with the article order it by the gallon, which proves beyond all doubt that it is the proper thing.

Manufactured only by

## HOLLISTER DRUG CO.

SOLE AGENTS.

## POWELL'S BALSAM OF ANISEED

WILL CURE YOUR COUGH.

ALL THE WORLD OVER, THE RECOGNIZED REMEDY. Its immense sale throughout the world attests its medicinal value.

## UNSOLICITED TESTIMONIALS.

The Olex or Wistar's Balsam of Aniseed is a most valuable medicine for members of my profession, and have always recommended it to my brother and sister artists.

Mr. Thomas Brown, Chemist, Llandilo, October 1st, 1898. "I have commenced using the Olex or Wistar's Balsam of Aniseed. I did, and have found it very great relief. It is most comforting, is easy to use, and gives strength to the voice."

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